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# The Washington Board Journal

Number 26

SUMMER 2000

## INTRODUCTION

The Washington State Board is distributing this journal in an effort to inform you of those events that affect your profession. Future journals will be printed and distributed, as the Board deems necessary. You may also access the current and the past editions through the Board homepage at: <http://www.wa.gov/dol/bpd/engfront.htm>.

The period covered by this journal is from January 2000 through June 2000.

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## **NEWS TO YOU**

### **MESSAGE FROM THE CHAIR**

*By Carol Fleskes, PE*

The Board has two basic functions. The first is to assure people are qualified to practice either engineering or land surveying by virtue of experience and passing examinations. The second function is to investigate complaints and take disciplinary actions when appropriate. Today, I would like to take this opportunity to talk about examinations and some changes that are coming. The form of the examinations that the Board uses to verify minimum competency has been changing over time. When I sat for the EIT, it was one examination that consisted of all essay problems and I had a choice of which problems I wanted to work. Now the Fundamentals Exam is a breadth and depth exam with all multiple-choice questions and no choice in which ones you must answer. The Principles and Practice exams are also changing from the format used when I took the exam (full essay questions with choice on which problems you worked) to a breadth and depth format with multiple-choice questions and no choice in the questions you must answer. A breadth and depth format means that an examinee is tested on a breadth of knowledge in a common test in the morning and then gets to choose a specialty area to be tested in greater depth in the afternoon. The Civil exam will be in this new format starting with the October 2000 exam. (*See the article on examination changes.*) This is all part of the evolution of testing that is addressing the issues of objectivity, consistency in difficulty, and turn-around time for results.

The longer-term goal is to move to computer based testing. The potential benefits of computer based testing include a better ability to measure an examinee against minimum competency standards and quicker results. It will take some time to get to the point of offering all engineering and land surveying exams in a computer based format and there are a number of challenges along the way. Obviously, there is a fair amount of work for the National Council of Examiners for Engineering and Surveying (NCEES) to develop a large bank of objectively scored questions. Plus programming is necessary to ensure each examinee is fairly evaluated when he/she is not using a fixed set of questions. NCEES is currently developing sample mini-exams that will be accessible via the Internet to help candidates prepare for exams. These quarter-length exam samples will be timed and scored with immediate feedback. The Civil PE Sample Exam is due out in September and may be accessed on the NCEES web site. The sample exams will allow applicants to experiment with the computer format and provide feedback on their comfort with the format.

To implement computer based testing, the processes each state board uses will also have to change, as it is not realistic to have a large room full of computers available twice a year to offer the exams as we do now. This means we have to rethink how exams are scheduled and administered. I do not see the State of Washington equipping and operating testing centers. Therefore, we will need to work with the private sector to administer the appropriate examinations and to maintain the security necessary for exam integrity. I also expect the exams will be available more frequently, which will cause changes to the application deadlines, etc. These challenges are minor compared to the benefits to the applicants. I look forward to helping move the examination process into the electronic era. As Bob Dylan sang, "the times they are a-changing" and this is certainly true for the engineering and surveying examinations.

### **NEW BOARD MEMBER APPOINTED**

Governor Gary Locke has appointed Mr. Ying Fay Chan, PE of Olympia to replace retiring board member Umesh Vasishth, PE. Mr. Chan is licensed as civil/structural in Washington and Oregon and is the founder and principal of CES, Inc. Consulting Engineers of Olympia. He has had over 40 years of engineering practice involving projects in Hong Kong and Australia but mostly in the State of Washington for the State's Department of Transportation where he was a bridge designer and design supervisor involved in many major bridge projects. Most recent are the SR-509 Foss Waterway Crossing in Tacoma and the SR-90 First Avenue S Bridge in Seattle. He was also involved in the award winning bridge plans for the SR-405, Wilberton Tunnel, the SR 14 SE Line Bridge in Vancouver; the SR 101, Mud Bay Road Overcrossing in Olympia and the SR-128, Snake River Crossing Clarkston.

“Fay” as he prefers to be called and “Charlie” to many of his close fiends, is married to Ivy, an Olympia School District Special Service teacher and a delegate to the recent LA democratic convention. They have two adult children, daughter Kimberly just completed her medical education this summer and is now a Surgical Resident in New York; his son Konrad is a mechanical engineer, a graduate from the U of W.

The Board and staff congratulate Fay on this important appointment and welcome him for a long and productive association.

## **GOVERNOR REAPPOINTS MR. HEBRANK**

On July 9<sup>th</sup> Governor Gary Locke reappointed Al Hebrank, PLS to a second term as a member of the Board of Registration for Professional Engineers and Land Surveyors. With this reappointment Mr. Hebrank will serve a term that expires in 5 years. He was originally appointed in 1995. The reappointment of Mr. Hebrank received universal support from both the land surveying and engineering community.

During his first term Mr. Hebrank has served as Board chair as well as chair of both the Exam/Qualification and Practice committees. He has been involved in discussions with industry representatives on whether there was a need to license specialty areas of land surveying such as global positioning systems (GPS) and photogrammetry.

The Board congratulates Al and welcomes this action by the Governor.

## **LEGISLATIVE UPDATE**

For the 2001 Legislative Session the Board and the Department are seeking “agency request” legislation to amend a portion of chapter 18.43 RCW. The reason for this amendment is to remove language that is no longer effective or relevant to Board operations.

**RCW 18.43.080 Expiration and renewals of certificates – Fees.** There is language that discusses annual renewals, that licenses expire the last day of December and that notice of renewal is mailed at least 30 days before the end of December. Currently renewals are for two-year intervals and become renewable on the anniversary date of a licensee’s birth date.

Our proposal is to strike all language in that section that is inconsistent with the authority granted the Director of Licensing in chapter 43.24 RCW and current Board and Department practices. The proposed changes would be:

### **Existing statutory language:**

Certificates of registration, and certificates of authorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the administrator of the division of professional licensing to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee determined by the director as provided in RCW 43.24.086. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year’s fee.

### **Proposed amending language:**

The renewal fee, renewal interval and date of renewal for certificates of registration, professional licenses and certificates of authorization issued under the provisions of this chapter shall be determined by the Director of the Department of Licensing in accordance with chapter 43.24 RCW. Notices of pending renewals will be sent by the Director to the certificate holder or licensee as a courtesy reminder specifying the due date and amount of renewal. Certificates and licenses that are not renewed by the date of expiration shall be invalid on that date. It is the responsibility of the certificate holder or licensee to assure timely renewal. In a case where a certificate or license is expired for a period of ninety days the reinstatement of the certificate or license shall be conditioned upon payment of the current renewal fee and a penalty in an amount equal to one years renewal fee.

## BOARD PLANS CHANGES TO TITLE 196 WAC OVER NEXT 1 -2 YEARS

The Board will propose many changes to its Washington Administrative Code, Title 196 WAC, to be implemented over the next 2 years. Some of the changes will be for small housekeeping and streamlining purposes, and other changes will be more significant. The following is an overview of what we are working on.

- **WAC 196-09 Practice and Procedure**

The section on Brief Adjudicative Procedure will be moved from WAC 196-24 to this chapter and provisions added concerning compliance with Board orders.

- **WAC 196-12 Registered Professional Engineers**

The language will be changed in WAC 196-12-020 (3) to reflect the new requirements for becoming licensed in structural engineering as passed by the Legislature in Chapter 172, Laws of 2000. This rule must be implemented by July 1, 2001. Changes will also be proposed for WAC 196-12-030 to streamline the examination review process.

- **WAC 196-16 Registered Professional Land Surveyors**

A section will be added to describe the examination review process. Other minor changes will be made to delete or modify outdated language.

- **WAC 196-20 Engineers-in-Training**

Wording will be proposed to state that the Fundamentals-of-Engineering (FE) exam will no longer be available for review by failing examinees; the FE examination cannot be appealed and the examinee is sent information that describes their performance on the exam. Changes will also be proposed for WAC 196-20-020 that better describe the qualifying experience needed to take the FE examination.

- **WAC 196-21 Land Surveyors-in-Training**

Wording will be proposed to state that the Fundamentals-of-Land Surveying (FLS) exam will no longer be available for review by failing examinees; the FLS examination cannot be appealed and the examinee is sent information that describes their performance on the exam. Additionally, minor wording changes will be proposed for WAC 196-21-020 to clarify the language.

- **WAC 196-23 Stamping and Seals**

A new section will be added that defines what a signature is and authorizes using an “electronic signature.” The proposed language is as follows:

WAC 196-23-\_\_\_\_ Definitions of Signatures. As provided for in chapter 18.43 RCW and Title 196 WAC, the term signature shall mean: (1) A handwritten identification representing the name of the person who applied it to the document; OR (2) A digital signature which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:

- (a) unique to the person using it;
- (b) capable of verification;
- (c) under the sole control of the person using it;
- (d) linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(3) A digital signature which utilizes the process and certification requirements outlined in chapter 19.34 RCW, The Electronic Authentication Act, or a process deemed equivalent to those processes by the Washington Secretary of State, will be accepted by the Board in meeting the criteria set forth in subsections 2(a) through (d) of this section.

- **WAC 196-24 General**

Delete WAC 196-24-105, Examination Review, and move to WAC 196-16.

Delete WAC 196-24-080, Fees, and move to WAC 196-26.

Delete WAC 196-24-041, Brief Adjudicative Procedures, and move to WAC 196-09.

- **WAC 196-26 Fees**

Change spacing and delete outdated language to improve readability. Edit and move the section on Fees in WAC 196-24-080 to this chapter.

- **WAC 196-27 Rules of Professional Conduct**

This chapter is being completely rewritten to make the language more positive, clarify expectations for conduct, and update the rules in general.

For the Board to be successful and adopt language that meets stakeholder expectations, it would be helpful to have your comments and suggestions. As we complete the draft proposals and distribute for comment, we would like to include you in that mailing. If you are interested, please let us know by E-mail or fax of your name, address and which draft proposal you are interested in.

## **BOARD ELECTS CHAIR FOR 2000-2001 FISCAL YEAR**

At the meeting on June 15<sup>th</sup>, the Board selected its officers for the upcoming year. Ms. Carol Fleskes, PE was elected as Board chair and Mr. Dan Clark, PLS was elected as vice-chair. In completing her year as Board chair, Nancy Duevel, PE will serve as a member of the Executive Committee. The remaining committee appointments are:

### **Executive Committee:**

Carol Fleskes, PE	chair
Dan Clark, PLS	vice-chair
Nancy Duevel, PE	past-chair

### **Exam/Qualifications Committee:**

Lyle F. Hansen, PE	chair
Dan Clark, PLS	
Ying Fay Chan, PE	

### **Practice Committee:**

Hal Williamson, PE	chair
Nancy Duevel, PE	
Al Hebrank, PLS	

### **Liaison with On-Site Advisory Committee:**

Hal Williamson, PE	
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## **ON-SITE PROGRAM GAINS MANAGER**

With the establishment of the on-site designer program during the 1999 Session, the need arose to staff the new program. The recruitment resulted in the appointment of Mr. Joe Vincent Jr. as manager of the program. Mr. Vincent comes to the Board with extensive management experience within the Department of Licensing. Mr. Vincent's legislative, budget and program implementation experience, as well as his knowledge of data systems and rule development are all expected to serve the Board and the On-Site Advisory Committee well. Joe brings energy and enthusiasm to the manager's position. If you have any questions for him, or if you just wish to say hello and welcome him aboard, you may contact him at (360) 664-1567, or e-mail at [jvincent@dol.wa.gov](mailto:jvincent@dol.wa.gov)

## **BOARD MEMBERS ARE APPOINTED TO NCEES COMMITTEES**

As many of you know this Board and its members actively participate in projects on behalf of the National Council of Examiners for Engineering and Surveying (NCEES). The most common way that the participation is organized is through appointments to various NCEES committees. Here are the appointments for the 2000-2001 business year.

Hal Williamson, PE - Committee on Education Assessment and Qualification. Volunteered as subject matter expert for Chemical Examination development.

Daniel Clark, PLS - Committee on Finances.

Al Hebrank, PLS – Committee on Examinations for Professional Surveyors

Lyle Hansen, PE - Volunteered as subject matter expert for Electrical Examination development.

Ronald Torrence, PLS - Committee on Examinations for Professional Surveyors.

George Twiss, PLS - Committee on Law Enforcement.

## ON-SITE PROGRAM UPDATE

The implementation of the new On-Site Wastewater Treatment System Designer Licensing / Inspector Certification program continues with examination development and rule writing activities all progressing as scheduled. A facilitated work session to develop test specifications for the examination, based upon the results of the job analysis survey, was conducted in June. Using the results of that effort, multiple item writing sessions were conducted, helping establish the initial examination item bank. These items were then reviewed during a three-day item analysis/review session in August. These sessions were all facilitated by board staff and staff from Applied Measurement Professional Inc. (AMP), the contracted psychometrician, and attended by industry subject matter experts assisting the Board and Advisory Committee with the development of the examination. Comments from AMP included praise for the quality of items submitted and confidence in the progression of the project.

A Study Guide to assist applicants in preparation for the examination was developed and distributed in August. The guide is based upon the detailed content outline of the examination and is available by visiting the On-Site web site at <http://www.wa.gov/dol/bpd/onsitefront.htm>.

Rule making activities have included the development of examination eligibility rules set for hearing and adoption in November.

The issuance of Practice Permits began in the end of June with an effective date of July 1, 2000. These interim authorizations to practice design services are valid for one year and are renewable annually until July 1, 2003, at which time anyone offering to practice must have taken and passed the licensing examination. The licensing section has issued 349 Practice Permits as of early August. A list of permit holders is available by visiting the On-Site web site at <http://www.wa.gov/dol/bpd/onsitefront.htm>.

The On-Site Advisory Committee suffered a setback with the departure from the committee of Lisa Brown, PE. Lisa's new duties with the Department of Ecology will prevent her continued participation on the committee. Lisa was a valuable contributor to the efforts of the Advisory Committee and will be missed. An evaluation of interested persons is underway to fill the vacancy for the remainder of her term. Individuals interested in applying for this vacancy should contact the Board office. Eligibility is limited to persons with at least a high school diploma and seven years of continuous experience in on-site wastewater treatment systems.

If you have any questions regarding the implementation of this program, please contact program staff at (360) 664-1568 or [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov)

## NEW PHONES WORKING?

With our move into new modular office systems in May, we also replaced our old phones and numbers with new PBX technology. We expected, and have experienced, some problems as the change has occurred. Most notably is the fact that some customers have experienced frequent busy signals.

We are aware of this and are working with our telecommunications advisors to obtain a suitable remedy to that situation. We apologize to those of you who have experienced this problem or any other related to our new phone system. Please send us an e-mail to [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov) if you continue to experience this difficulty. It would be helpful if you could let us know the day and time of your attempted call as well. Thank you for your patience.

**Board phone numbers:**

**Administration:**

**360-664-1564**

**Licensing/Applications: 360-664-1575**

**Disciplinary/Complaints: 360-664-1571**

**On –Site Program: 360-664-1568**

**Fax: 360-664-2551**

## **BUSINESS & PROFESSIONS DISCIPLINARY ACT**

In our last Journal we introduced the plan by the Business and Professions Division of the Department of Licensing to pursue a legislative act called the Business and Professions Disciplinary Act (BPDA). Its primary purpose was to make more uniform, the various disciplinary authorities within the division's programs. The Board of Registration is one of the affected programs and stands to derive benefit if the act is implemented.

The following is a rough comparison of some of the existing authorities of the Board and the provisions in the BPDA. For the most part, the new provisions are permissive in nature. That is, the Board will be permitted to follow these new conditions but is not obligated to do so. Those provisions now unique to the Board will not be changed by this act.

- A. An emergency action to suspend a license *pending* a proceeding by the disciplinary authority (board). This can be used when the public is exposed to eminent harm.

*Currently: The Board has no such authority.*

- B. Ability for the board to appoint three or more members to perform any duty or authority otherwise granted to the Board. This would enable the use of three members to act in place of a quorum (four members).

*Currently: The Board has no such authority.*

- C. The ability of the Director of the Department to appoint up to three pro-tem members to any disciplinary authority. There is no time limit on these appointments.

*Currently: The Board can appoint no more than two pro-tem members and the appointments are limited to 180 days duration.*

- D. Proposed sanctions:

1. Revocation of license;
2. Suspension of license for a fixed or indefinite term;
3. Restriction or limitation of the practice;
4. Satisfactory completion of a specific program of remedial education or treatment;
5. Monitoring of the practice in a manner directed by the disciplinary authority;
6. Censure or reprimand;
7. Compliance with conditions of probation for a designated period of time;
8. Payment of a fine for each violation found by the disciplining authority, not to exceed \$5000/violation; unless a different amount is specified by law. Funds received shall be deposited in the related program account;
9. Denial of an initial or renewal license application;
10. Refund of money paid by the consumer under conditions described in rules adopted by the disciplinary authority;
11. Other corrective action;
12. Reimbursement to the department for the investigative costs incurred in investigating the matter which resulted in issuance of an order under this section, but only if any of the sanctions in (1) through (11) is ordered.

*Currently: The Board has authority for revocation, suspension, reprimand and fine up to \$1000 per violation.*

- E. The ability of the Board to take action if (they) believe a license holder or applicant may be unable to practice or operate a business with reasonable skill and safety to consumers by reason of mental or physical condition. This must be supported by adequate medical evidence or existing judicial order.

*Currently: The Board does not have this authority unless it can be proven that the work by the registrant is in violation of chapter 18.43 RCW.*

F. Defined Unprofessional Conduct:

1. The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice ... or operation of the ... business....;
2. Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;
3. Advertising which is false, deceptive or misleading;
4. Incompetence, negligence, or malpractice which results in physical or financial harm to a consumer or which creates unreasonable risk that a consumer may be physically or financially harmed;
5. Suspension, revocation or restriction of a license to engage in any business or profession by competent authority in any state, federal or foreign jurisdiction. A certified copy of the order, stipulation or agreement is conclusive evidence of the revocation, suspension or restriction;
6. Violation of any state or federal statute or administrative rule regulating the business or profession, including any statute or rule defining or establishing standards of care or professional conduct or practice;
7. Failure to cooperate with the disciplinary authority by:
  - a. Not furnishing any papers or document requested by the disciplinary authority;
  - b. Not furnishing in writing a full and complete explanation covering the matter contained in a complaint when requested by the disciplinary authority;
  - c. Not responding to subpoena issued by the disciplinary authority whether or not the recipient of the subpoena is the accused in the proceeding;
  - d. Not providing access, during regular business hours, to authorized representatives of the disciplinary authority conducting an investigation, inspection or audit at facilities utilized by the license holder or applicant;
8. Failure to comply with an order issued by the disciplinary authority;
9. Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;
10. Practice or operation of a business or profession, beyond the scope of practice or operation as defined by law or rule;
11. Misrepresentation in any aspect of the conduct of the business or profession;
12. Failure to adequately supervise or oversee auxiliary staff whether employees or contractors, to the extent that consumers may be harmed or damaged;
13. Conviction of any gross misdemeanor or felony relating to the person's profession or operation of the person's business;
14. Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplinary authority or its authorized representative or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding.

*Currently: The Board's provisions defining misconduct and malpractice include: bribe, untruthful/deceptive reporting, affecting professional reputation of another, not separating charges for engineering/surveying, moral turpitude, violations of 18.43, conflict of interest, nondisclosure, unfair competition, improper advertising and other acts contrary to accepted professional conduct...*



- G. Issue a cease and desist order for unlicensed practice and imposition of a civil fine not exceeding \$1000 for each day of violation;

*Currently: The Board does not have this authority.*

The Board and the Department are very interested in hearing your opinions on this proposal. Please send an e-mail to [Engineers@dol.wa.gov](mailto:Engineers@dol.wa.gov) and we will compile the information for consideration in future revisions. A complete copy of the draft proposal will be available for download from the Board's website in weeks to come.

## QUESTIONS & ANSWERS

**QUESTION:** Does a GPS control network need to be done under the direction of a professional land surveyor?

**ANSWER:** Based upon the following analysis the Board believes that GPS control networks should be surveyed under the supervision of a professional land surveyor. Following are several laws that lead one through definitions of the practice of surveying, geodetic surveying, and land boundary surveying, and all are inter-related.

RCW 18.43.020(9) defines the practice of surveying. Section (9) goes on in part to state "The practice of land surveying... shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments...when the proper performance of such services requires technical knowledge and skill."

Also in WAC 332-130-020(1) Geodetic surveys are defined as "surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, establishing plane coordinate values on boundary monuments within the requirements of the Washington coordinate system..."

WAC 332-130-020(3) goes on to define Land Boundary Surveys as "All surveys, whether made by individuals, entities, or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating, and/or monumenting the boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners."

In many cases, the development of GPS data may not be considered surveying. The mere act of developing GPS data for points and placing those points on a map does not necessarily qualify as the practice of land surveying.

Geodetic surveying has always fit the definition of land surveying, yet it has been considered as a gray area because of the uncertainty. GPS tools are what surveyors are using today to do geodetic as well as other types of surveys. The proliferation of geodetic control densification has a direct impact upon cadastral surveys since they are geographically related. In some parts of Washington and in other states, government is requiring cadastral surveys to be anchored to geodetic control networks. Establishing geodetic control, to be used as a geodetic base for boundary surveying, mapping and GIS, is not an easy task. Professional Land Surveyors are encouraged to be careful in selecting a means for establishing control. For example, code-based hand-held GPS receivers can display geodetic coordinates with many decimal places, but the actual accuracy of these coordinates is insufficient for qualifying as geodetic positioning. One needs to know about accuracies, standards, specifications, and their impact on the geodetic base. In addition, one has to acquire the knowledge and expertise for evaluating the needs in terms of the most stringent application requirements of the survey involved. Often property or land boundary corners are directly occupied as geodetic control, yet these may be improperly identified without a surveyor's supervision. Though GPS work may be considered by some to be in a gray area, it is clear that if the project work involves identifying and mapping property or GLO corners and boundaries it would be considered as the practice of land surveying.

Today, State and local government agencies are proposing and executing GPS control projects that are grid across the state to improve upon the previously established High Accuracy Reference Network. The network will be used to control highway projects, development, mapping, and cadastral survey work. This densified control work should follow Federal standards, published and recognized authoritative guidelines, use the consultation services of the Washington State NGS advisor, if it's needed, and follow RCW 58.20.180 and WAC 332-130-060.

The Board believes that this work should be done under the direction of a professional land surveyor and recorded in the County Auditor's Office as a Record of Survey. There may be some confusion about how to index the surveys

because they don't focus on a specific section or township, but these details can be developed. Dave Steele, DNR State surveyor, has stated that he would be happy to work with the County Auditor's Association and the recording officials to develop a methodology allowing these documents to be recorded. A preliminary recommendation provides two useful options for indexing. Since a Record of Survey for a control network will be in part, a graphic of the network, a township grid can be drawn as an overlay with townships labeled accordingly. If more detailed network drawings are part of the survey record, these may show section overlaying the network. Another option would be to make a statement about the network falling within a listing of townships. County recorders and the survey standards also demand quarter section indexing. This may be accomplished by table for the individual points in the network, i.e. point 4078 might be listed with a latitude, longitude, northing, easting, elevation, quarter section, township, range. Some geodetic control will be part of the Federal and Community Base Network surveys. These control surveys are generally supervised, processed and documented by Federal employees and may not be recorded as described above.

Further reference or research may be made through the Internet or Guidelines may be obtained from DNR, Public Land Survey Office or the Washington State NGS Advisor, Gary Perasso. Several documents are listed for your convenience:

1. "Preliminary DRAFT Guidelines for Geodetic Network Surveys Using GPS" dated 5/15/2000 by the National Geodetic Survey is available at <http://www.ngs.noaa.gov/ADVISORS/FBN/GPSmanual/> or via E-mail upon request from [Joe.Evjen@noaa.gov](mailto:Joe.Evjen@noaa.gov)
2. Draft version: For Comment Only at this time "Standards and Guidelines For Cadastral Surveys Using Global Positioning System Methods" dated 4/28/2000 by USDA – Forest Service and USDI – Bureau of Land Management, is available at [http://www.fs.fed.us/database/gps/gpsguidelines/GPS\\_guidelines.htm](http://www.fs.fed.us/database/gps/gpsguidelines/GPS_guidelines.htm) or via E-mail upon request from [kbays@or.blm.gov](mailto:kbays@or.blm.gov)
3. "Draft GPS Manual" by the National Geodetic Survey, is an Internet based manual that can be found at <http://www.ngs.noaa.gov/ADVISORS/FBN/GPSmanual/>
4. "Accuracy Standards for Positioning Version 1.0" dated September, 1996, by Geomatics Canada, Geodetic Survey Division, is available at <http://www.geod.nrcan.gc.ca> or via E-mail upon request from [information@geod.nrcan.gc.ca](mailto:information@geod.nrcan.gc.ca)
5. "Geometric Geodetic Accuracy Standards and Specifications for Using GPS Relative Positioning Techniques" Version 5.0, updated 8-1-89, by the Federal Geodetic Control Committee, available in hard copy.
6. "Geospatial Positioning Accuracy Standards" dated 1998 and currently under review by the Federal Geographic Data Committee and available at [http://www.fgdc.gov/standards/status/sub1\\_2.html](http://www.fgdc.gov/standards/status/sub1_2.html)
7. "Specifications for Geodetic Control Networks Using High-Production GPS Surveying Techniques" Version 2.0, dated July 1996 by the California Geodetic Control Committee and available at <http://www.rbf.com/cgcc/hpgps21.htm> or by E-mail from [gahlmer@rbf.com](mailto:gahlmer@rbf.com)

**QUESTION:** A debate has arisen in our consulting engineering firm as to the correct use of the professional engineer's stamp. I understand that Washington State law requires that a registered engineer must place his/her stamp and signature on any final document. In Washington, a final document is defined as "plans, specifications, plats, surveys, and reports." The law defines engineering as the practice of the skills and use of the knowledge gained in the education and training of the engineer. (Pretty non-specific, yet all encompassing for an engineer). Thus, it could be concluded that anything and everything an engineer does and is paid for is engineering work that must be stamped.

However, I can state that having practiced as a consulting engineer for several firms in the environmental engineering field for 10 years in Washington, preparing all types of reports, including air pollution studies and permit applications, water/wastewater studies and permit applications, environmental regulatory compliance reports, and hazardous waste site investigation reports (including site characterization and data reports and feasibility studies to evaluate and cost conceptual designs), that very few documents other than Engineering Reports for wastewater treatment plants (per State regs) and actual plans and specifications for construction are stamped in practice.

What is your interpretation of the law and appropriate use of the PE stamp for general reports not related to design of a specific project? Is a letter describing findings, conclusions, or recommendations based on regulatory interpretation or engineering calculations (e.g. to evaluate existing or proposed equipment for environmental compliance) a "report" that should be stamped?

**ANSWER:** It would be difficult to give a specific answer without having an opportunity to look over the applications, forms and reports that you have referred to. However, your reading of the law is consistent with the Board's view on the stamping of final documents. Notwithstanding the fact that stamping certain reports may (or may not) be common practice, if the document is considered final (submitted for agency review/approval) and contains engineering judgment, analysis and/or recommendations that were prepared by or under the direct supervision of a qualified Washington PE, then that document should carry the stamp and signature of that PE.

**QUESTION:** My license expired over three months ago, and I have used my stamp on a document. When I renew my license, is it retroactive back to the expiration date?

**ANSWER:** NO. Your license becomes invalid if the renewal fee is not paid by the date of expiration. Once the renewal fee is paid, your license becomes valid from the date of postmark. Any work that you may have done while your license was expired is in violation of RCW 18.43.070.

**QUESTION:** As a registered PE, am I qualified to design on-site wastewater systems?

**ANSWER:** If by qualified you mean you have met any legal credential requirements, then yes. As a licensed PE you are exempt from having to obtain an additional license to perform on-site design work (RCW 18.210.150). However, let us not forget that having the PE license does not necessarily mean you could start working as a system designer. All PE's are required to practice only in those areas of competency. A PE is responsible for assuring that they obtain the necessary knowledge to competently practice in a given discipline or area of specialty.

**QUESTION:** As a registered PE, what do I need to do to get a designer's license?

**ANSWER:** If for whatever reason an individual otherwise exempt from the licensing requirement wishes to obtain the license they can by meeting the requirements. The law indicates that in order to obtain the license an applicant must first take and pass the examination. To be eligible to take the examination an applicant must have a minimum of 4 years of experience, as approved by the Board, showing increased responsibility for the design of on-site systems. Two years of college level course work in subjects dealing with the science and technologies of on-site wastewater treatment systems may be substituted for up to two years of the experience (RCW 18.210.100). The fact that you are a licensed PE exempts you from having to obtain a license. If you want to obtain the license then you are required to meet the licensing conditions like any other applicant.

## A HUGE THANK YOU!

The Board and it's staff would like to thank the following individuals that have assisted the Board with its' examination and disciplinary work. Without these individuals, the work and services provided by the Board would be affected.

William C. Acord  
Robert Anderson, PE  
Rocky R Anderson  
Dean Bannister  
Tom Barger, PLS  
Jim Barnard, PLS  
Kevin Barry  
Scott Beard, PE  
Richard Benson  
Jim Benthin, PLS  
Kevin Bluhm, PLS  
Rob Bogden, PLS

Paul Brallier, PE  
Michael Bramhall, PE  
Lisa Brown, PE  
Kathleen Cassou, PLS  
Mike Cooney, PLS  
James R Dawson  
Nancy Devine, PE  
Reuel Emery  
John Eremic  
Larry Fay  
John Fleming, PE  
Pat Fox, PLS

Ken Frasier, PLS  
Carl Garrison  
Paul Gruver  
Kyle Haggith, PLS  
Ron Hansen  
Izzat Hasayen, PE  
Lonnie Henry, PLS  
Paul Hettervig  
Tim Hollingsworth, PLS  
Ed Huston, PE  
John James, PLS  
David R. Jensen, PE

Dennis Joule, PE  
Mike Lamont, PE  
Rich Larson, PLS  
Dave Lenning  
Larry Lindell, PE  
Wilfred D. Little III  
Peter Lombardi  
David Lowe  
Marjorie Lund, PE  
Terry Lundeen, PE  
Bruce Maclearnsberry, PLS  
Dave Maroon, PLS  
Anne McAteer-Berg, PE  
Vince McClure, PE  
Dale Mix, PE  
Martin Paquette, PLS

Mike Rainwater  
Dan Roupe, PLS  
Clark Rowland, PLS  
James Sayre  
Gregg Schrader, PE  
Glenn Scroggins, PE  
Bill Shafer, PE  
Larry Signani, PLS  
Randy Sleight, PLS, PE  
Ted Smith, PE  
J. Mark Soltman  
Dave Steele, PLS  
Jerry Stonebridge  
Bill Stuth Sr.  
Jim Swenson, PE  
Yuan-an (Luke) Su, PE

John Tate, PE  
Gene Trahern, PE  
Terry Trantow, PLS  
Scott Valentine, PLS  
Mike Vinatieri  
Dan R. Waltz, PE  
Stephen Wecker  
Jim Wengler, PLS  
Philip Whitson  
Tom Wiggins  
Morey Wilken  
Hal Williamson, PE  
Bob Wright, PE  
Mike Wright, PE  
C. Stephen Yu, PE  
Carl Zimmer

## I – 695, HOW DOES IT AFFECT US?

As you know, last November the citizens of Washington passed Initiative 695 that eliminated most of the state excise tax of motor vehicles and established a requirement that no fee or charge could be assessed by agencies unless it was given voter approval through a general election. At present the state Supreme Court is considering various arguments about the constitutionality of the measure, particularly on the requirement for voter approval of agency fee setting. The findings of the court are expected in the next few months.

Depending on how the court rules, the affect on the Board could be significant. If it is determined that the voter approval requirement on fees is lawful it would mean that future fee adjustments for examinations and renewals, to enable this program to provide the necessary level of service, would need to go to a general election for approval.

## EXAMINATIONS

### CHANGES DUE FOR NCEES EXAMINATIONS

The following is an excerpt of an article from the chair of the National Council of Examiners for Engineering and Surveying, Committee on Examinations for Professional Engineers.

#### **NCEES implements first breadth/depth exam in October 2000**

*“The times they are a-changing,” sang Bob Dylan, and it’s certainly true right now for NCEES exams. New Principles and Practice of Engineering (PE) exam formats envisioned and begun five years ago are now coming to fruition. With change often comes stress and confusion as people make adjustments to the new, but the Council saw in 1995 that the growing pains of change would be worthwhile to help alleviate the wide variance in exam pass rates from administration to administration. In discussing the advantages of the new formats, it is also important to recognize the differences between them.”*

*“The Council decided to change Group I PE exams to the breadth and depth format at the 1995 Annual Meeting. This new format, which has taken the longest to implement, involves testing the breadth of an engineering discipline in the morning section, and the depth of the discipline in an examinee’s chosen specialty area in the afternoon. The exam is effectively no-choice as all examinees within the same specialty area or depth module answer the same questions. A no-choice exam allows NCEES to use equating techniques that will account for varying exam difficulty and help even-out the exam pass rates from year to year without lowering the bar of minimum competency. The PE no-choice,*

*breadth/depth exam measures an examinee's minimum competency in the generalities and a chosen specialty area of an engineering discipline."*

*"After analysis, the (NCEES) exam committees determined that only three PE disciplines had a statistically significant number of test takers to support the breadth/depth concept: **civil, electrical, and mechanical**. For this reason, the October 2000 administration of the Civil exam is the first of the no-choice, breadth/depth, 100% objectively scored exam format. The Mechanical exam is slated to make this change in October 2001 and the Electrical exam no sooner than October 2001. The October 2000 administration will also debut the no-choice, all objectively scored PE Manufacturing exam."*

*"At the 1996 Annual Meeting, the Council passed the motion to make most PE exams no-choice, 100% objectively scored. This exam format has been implemented in an increasing number of PE exams since October 1998. The most recent exams to make the transition from choice, part essay/part multiple choice to no-choice, 100% objectively scored were the Chemical and Structural I exams in April 2000. Again, one advantage to this no-choice format is the ability to use scoring techniques to account for differences in exam difficulty and moderate the variation in pass rates from exam to exam while still upholding the bar of minimum competency. In addition, grading of essay questions contains an element of subjectivity, and grading subjectivity will be eliminated with the all multiple-choice format."*

*"In addition, the NCEES is recommending a change to the October 2005 exam administration. The Council will vote at the 2000 Annual Business Meeting on the recommendation that examination scores be reported to candidates as pass/fail with an appropriate diagnostic performance statement also issued to examinees who fail the examination. Examination experts prefer pass/fail scores because licensing examinations are designed only to measure minimum competency. Any other breakdown of point differences besides pass/fail is misleading and is not what the exam is designed to measure."*

The Board has participated in this effort and welcomes the updated format discussed above. If you know of someone who is planning to take the noted licensing examinations this October or after please share this information with them or they can contact the NCEES web site, [www.ncees.org](http://www.ncees.org) or contact our offices at 360-664-1575.

## **CREATING A NEW EXAM IS HARD WORK!**

Not many individuals truly understand the work effort required to create an examination for a brand new program like the On-Site Designer Licensing Program. For three rather busy and productive days in August, the following individuals discussed, haggled, debated, questioned and ultimately agreed to the make up of the first two On-Site Designer Licensing examinations to be administered in April and October of 2001. They reviewed each of over 200 items (exam questions) that had been submitted. With the aid of the consultant advisors from Advanced Measurement Professionals Inc., each item was edited if needed, new items written and each item rated as to the expected percentage of candidates who will get the question correct. It is probably safe to say that Bill Stuth Sr., Peter Lombardi, Carl Garrison, Larry Fay, Kevin Barry, Richard Benson, Carl Zimmer, Bob Wright and John Fleming all now have a deeper understanding of the complexity in establishing a fair and defensible examination.

The effort each contributed further exemplifies the commitment that dozens of individuals have made over the last six years to assure the On-Site Designer Licensing program meets the needs and expectations of the public. Without the hundreds of hours of volunteer effort there would be no way the Department and the Board could achieve this level of success. Thank you to each and everyone.

**APRIL 2000****EXAMINATION RESULTS**

	<u>Total</u>	<u>Pass</u>	<u>% Pass</u>
Fundamentals of Engineering	464	347	74.8
Principles & Practice of Engineering			
Chemical	17	8	47.1
Civil	246	121	49.2
Electrical	62	27	43.5
Environmental	12	11	91.7
Mechanical	123	67	54.5
Forest	4	4	100.0
Structural I	42	37	88.1
Structural II – AM	38	28	73.6
Structural II – PM	38	28	73.6
Structural III-WA	49	9	18.4
Fundamentals of Land Surveying	30	20	66.6
Principles & Practice of Land Surveying (6 Hr. NCEES exam & 2 Hr. state specific)	69	28	40.6
PPLS 2 Hour Comity	25	12	48.0

**INVESTIGATIONS & ENFORCEMENT****RETRACTION**

In the Summer 1999 Board Journal we reported that the Cowlitz County Engineer and the Assistant County Engineer performed activities related to certain land surveying and engineering projects which were initially viewed as inconsistent with the expected standards of care. The investigation was closed; however, the closing letter to the two licensees advised them that they should modify their practices, as their practices were not consistent with the expected standard of care.

The licensees objected to the conclusion that their practices were not consistent with the expected standard of care because they believed that the investigation was incomplete and failed to develop all the information necessary to reach a fully informed decision. The licensees also argued that each should be evaluated for the work for which he was responsible and not in a combined fashion with a closing letter, which indicated that, they were both equally responsible.

In consideration of their request for reconsideration, another member of the Board was assigned to reevaluate the original conclusions and consider additional information the licensees wished to provide in support of their positions. The case manager concluded that the investigation materials and the additional information provided by both licensees supported a change in the prior closing letter, particularly with respect to the conclusion that their practices were not consistent with the expected standard of care. The case manager recommended that the original letter from October

1999 and its conclusions be rescinded and a new closing letter be issued. On August 17, 2000 the Board moved to close the investigation with no action and rescind the letter of October 1999.

In an inadvertent departure from the protocols for reporting of informal actions in the Board Journal, the Summer 1999 Journal identified the specific county and positions where the licensees were employed. This permitted a reader to identify the involved licensees. It is our practice to reveal only enough information to enable a reader of the Journal to understand the conduct but not reveal the identity of the licensees involved when matters are resolved by informal actions. The Board and staff sincerely regret the events that have occurred to these individuals and their families.

## **SUMMARY OF INVESTIGATION ACTIONS TAKEN BY THE BOARD FROM JANUARY 1, 2000 thru JUNE 30, 2000.**

Active Investigations as of January 1, 2000	44
Complaints opened for investigation	20
Investigations closed	21
Active Investigations as of June 30, 2000	43

### Summary by Month:

	<u>Complaint Received</u>	<u>Investigations Opened</u>
January	7	5
February	6	2
March	5	2
April	No Meeting	1
May	15	9
June	6	1
<b>Totals</b>	<b>39</b>	<b>20</b>

### Summary by Profession as of June 30, 2000

	<u>Active Investigations</u>	<u>Compliance Orders</u>
Prof. Engineers	12	4
Prof. Land Surveyors	20	2
Unlic. Engineers	7	1
Unlic. Land Surveyors	4	0
<b>Totals</b>	<b>43</b>	<b>7</b>

## **BOARD RULES ON DISCIPLINARY ACTIONS**

In the following case summaries you will read of disciplinary actions taken by the Board from January 1, 2000 to June 30, 2000.

*These summaries are not intended to disclose all details related to a given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Board office at (360) 664-1571 for specific information.*

## **FORMAL ACTIONS**

### **Land Surveying Practice**

**Ray Schutrop, PLS Case No. 97-06-0001.** Mr. Schutrop was the subject of a Board investigation concerning the accuracy of a 1995 survey he performed in Everett, Washington. The subject survey was in conflict with a subsequent survey performed for the same client that disagreed with the southern survey property line and negated the encroachments shown on the licensee's survey. The investigation revealed that the surveys were performed in a difficult area due to a lack of original or perpetuated monumentation available in the area.

While the case manager did not render a decision on which survey was correct because it was based upon professional judgment, he did find substantive deficiencies in the licensee's survey. In lieu of formal charges being filed, Mr. Schutrop accepted a Stipulation and Agreed Order requiring him to perform an amended record of survey.

Given the issuance of the order, it was recommended that the investigation be closed and matter referred to compliance monitoring.

**Carl McMillen, PLS Case No. 97-09-0001.** Carl McMillen, PLS, a resident of the Shelton, Washington area, was the subject of a formal hearing on February 14, 2000. The hearing was the result of a statement of charges concerning a survey he performed in Mason County. The charges alleged multiple counts of failing to comply with survey standards. As Mr. McMillen did not respond to the charges, the hearing was held by default and resulted in a Findings of Fact, Conclusions of Law and Default Order signed by the Board chair on March 9, 2000.

Said order suspends Mr. McMillen's license to practice as a professional land surveyor for up to one year. During the suspension period, Mr. McMillen is required to pay a \$2000 fine, complete/pass the Board's law & ethics exam and the ethics course for professional land surveyors offered by New Mexico State University. After submitting documentation showing compliance with these conditions, Mr. McMillen is also required to appear before the Board at which time they will assess his compliance activities and determine whether he corrected or was responsible for correcting the surveys and deed descriptions that resulted in the order. If the above terms are not met within the one year period, Mr. McMillen's license to practice as a professional land surveyor shall be revoked until he provides evidence that he has complied with the order's terms and passed the Principles and Practice examination for land surveying.

Given the issuance of the order, the investigation was closed and matter referred to compliance monitoring.

## **INFORMAL ACTIONS**

### **Engineering Practice**

**Case No. 97-10-0003.** This investigation was based upon a complaint against a professional engineer that alleged he was negligent in the design and structural analysis of a commercial building. Of specific concern was that the design drawings may not have contained the correct load and stress specifications for the roof making the building potentially unsafe during heavy rains or snow. In response, the licensee claimed the snow load was based on information provided to him by a building official, however, investigative activities were unable to verify that statement.

With insufficient evidence to support the allegations, the case manager recommended that the investigation be closed with no further action.

**Case No. 99-06-0004.** This investigation, initiated by an anonymous inquiry, alleged a professional engineer caused safety hazards and violated the rules of professional conduct by failing to obtain the proper permits to perform fill and grading activities on his personal property. The writer of the inquiry claimed this was the licensee's second offense and resulted in the issuance of a Stop Work Order by the county.

Given that the property in question was the licensee's personal residence and that after the stop work order was issued, the licensee did obtain the necessary permits, the case manager recommended no need for further action by the Board.



**Case No. 98-05-0001.** This investigation concerned the accuracy of an inspection report of an existing residence prepared by a professional engineer. The complainant alleged the report was inaccurate, erroneous and criticized components of the residence and property without actual observations.

After review of the investigation file, the case manager concluded the engineer's responsibility was to his client (buyer), not the seller, and that, as a part of his scope of work, the engineer was asked to comment on any possible anticipated repairs. It was the case manager's belief that the engineer fulfilled his obligations to his client by revealing his opinion of the conditions as he observed them.

Without evidence to support the allegations, the case manager recommended that the investigation be closed with no further action.

**Case No. 99-09-0005.** This investigation involved the review of a Florida Board order against a professional engineer, whose license expired in Washington on June 14, 1999. The Florida Board charged the licensee with negligence and practicing engineering below the accepted standards.

Given that the licensee is not performing work within this state, the case manager recommended that no further action by the Washington Board be taken. The licensee was notified that a record of the Florida action has been made and that this matter may be reconsidered at such time if a complaint is filed against him in Washington.

**Case No. 99-11-0003.** In a complaint filed against an EIT and engineering corporation, it was alleged that the engineering activities in connection with the footing/drainage design were not performed by or under the direct supervision of a licensee. In response, the principal of the firm, who is a professional engineer, stated that the EIT was working under his supervision and also contacted other professional engineers in the firm for additional support.

The allegations were unfounded, and the case manager recommended that the case be closed.

**Case No. 99-09-0007.** This investigation stemmed from a 1999 inquiry, consisting of a newspaper article, that alleged a professional engineer employed by a state university ordered that a memo written by a "Facilities Engineer" be withheld during a Labor and Industries investigation. The Board initiated a complaint to obtain further information on whether the PE's actions violated any rules under the Board's jurisdiction.

Investigation activities revealed the writer of the report in question is a not an engineer but works under the direction of a PE and the content of the subject report dealt with administrative matters outside the practice of engineering.

The case manager found no cause for action and recommended that the case be closed with a letter to the respondent noting the risk of public misunderstanding when an engineering title is used by a non-licensed individual.

**Case No. 99-01-0002.** This investigation, initiated by a client of a professional engineer, alleged technical negligence or incompetence, fraudulent behavior and unprofessional conduct by the engineer in connection with his activities for a proposed condominium development. Specifically, the complainant alleged the respondent provided unworkable designs, lacked the knowledge to perform fundamental calculations, failed to timely perform the work, threatened liens and blackmailed the complainant when contract disputes arose.

The case manager found no evidence to support the allegations and recommended that the investigation be closed with no further action. It was the Case Manager's belief that the respondent's client attempted to exercise excessive control over engineering decisions. In regards to the contractual issues, which are beyond the authority of the Board, it was noted that these issues have been litigated through the court system and dismissed as unsubstantiated.

**Case No. 98-06-0002.** A professional engineer was the subject of an investigation concerning allegations that he knowingly stamped an engineering plan that was not prepared under his direct supervision, and that those plans were not properly sealed and dated nor did they contain enough information to meet the expected standard of care. The complainant, who was the project's previous engineer of record, also claimed the respondent failed to notify him upon becoming involved in the project. During the course of the investigation, the respondent admitted his failure to properly seal and date the plans and corrected the situation.

The case manager did not find the allegations of "plan stamping" supported by the evidence but did find the respondent failed to meet his obligations in relation to sealing and dating the plans. However, since the respondent admitted to the error and corrected the situation during the course of the investigation the case manager believed there

was no reason to take action. The case manager also noted that on the non-notification issue, the respondent's client was involved in litigation with the complainant that would have complicated the initiation of communications between the engineers.

Given the allegations were either corrected or unsubstantiated, the case manager recommended that the case be closed without further action.

### **Land Surveying**

**Case No. 98-03-0004.** A land surveyor was investigated upon receipt of a complaint from a city official that a Short Plat he recorded in November 1997 didn't show set monuments although implied by the legend/verbiage used on the survey, or disclose existing encroachments.

During the course of the investigation, the licensee was provided a detailed list of the case manager's concerns about his survey. As a result, the licensee hired another surveyor to resurvey the property and address the concerns of the case manager. The amended ROS was found satisfactorily.

The case manager recommended that the survey be accepted and the land surveyor be instructed to record the revised Record of Survey.

**Case No. 98-05-0003 & 99-02-0001.** The Board in connection with two separate complaints investigated a professional land surveyor. The first complaint alleged that the licensee did not complete a survey within the agreed upon time frame and failed to timely record the survey despite being paid and contacted numerous times. The second complaint was filed when it was discovered that a survey he performed in 1994 had not been recorded.

During the course of the investigation, the Board office was notified that the licensee had passed away.

In light of that fact, the case manager recommended that the above cases be closed.

**Case No. 99-08-0004.** This investigation was initiated by a complaint that alleged a professional land surveyor failed to perform the proper research for a survey he performed in March 1999. This failure allegedly resulted in a boundary dispute.

Based on a preliminary review, the case manager found that the issues presented were title issues, not survey issues, and that even if the research omission had been performed the title issues would not have been resolved.

Given that the issues presented are title issues to be resolved through the court system, the case manager recommended that the case be closed without further action.

**Case No. 99-11-0002.** This complaint involved allegations that a professional land surveyor failed to show known encroachments on a survey and that although the licensee agreed to amend his survey, as of the date of the complaint the amended survey had not been recorded. In response to the allegations, the licensee admitted it was an oversight on his part that his survey did not show the fence on the West Side of his client's survey. He further noted that an amended record of survey was filed on November 2, 1999 with a copy being provided to the Board.

Given that the licensee filed an amended record of survey, the case manager found no cause for action and recommended that the investigation be closed.

**Case No. 97-12-0002.** This investigation, initiated by a property owner, alleged an individual failed to record a survey he performed on their property despite numerous inquiries regarding the matter. The investigation found that the individual, whose license as a professional land surveyor was revoked by the Board in 1993, had a contractual working relationship with another licensed land surveyor during the survey project. However, there were indications that the clients were not obtaining the professional services directly from the licensed land surveyor. The licensee recorded the survey approximately one year after the date of the survey.

At the case manager's request, the respondent and licensee were contacted to determine their current working relationship. After this contact, the licensee informed the Board that he no longer had a contractual relationship with the respondent.

Due to a lack of evidence to support the allegations, the case manager recommended that the case be closed with letters to the respondent and licensee. The letter to the respondent would outline possible criminal penalties if he were

to offer and/or perform land-surveying activities without a license. The licensee would receive a letter addressing the late recording of survey.

**Case No. 00-01-0002.** This investigation was initiated when the complainant of a previous investigation, which was closed by the Board as unsubstantiated, submitted what he considered new evidence related to a survey performed in 1995 by a professional land surveyor. The survey performed for the complainant's adjoining resulted in a boundary dispute and a loss of property by the complainant. This new evidence, consisting of a 1999 declaration from another land surveyor, allegedly showed the respondent failed to follow the minimum standard of survey practices.

The case manager found that the presented documentation showed no evidence that the respondent had failed to meet the expected standard of care.

Without evidence to support the allegations, the case manager recommended that the case be closed with no further action.

**Case No. 98-05-0005.** Allegations of survey errors and lack of communications were brought against a land surveyor for a survey he performed in 1996 (recorded 1997) for the complainant's adjoining neighbor. The complainant brought the allegations when it was discovered the east/west common boundary line staked did not agree with subsequent surveys performed by two other land surveyors. As a result of litigation regarding this matter, a fourth surveyor reviewed the matter to provide his opinion on which survey was correct.

After review of the materials on the survey in question and other supporting documentation the case manager found that the allegations of a survey error were without adequate foundation. The case manager noted that all the involved surveyors indicated that this was a difficult area in which to survey. Due to this difficulty, it appeared to the case manager there is more than one logical conclusion as to which survey opinion is correct and that resolution to the matter would best be pursued through boundary line agreements or court decisions. The case manager also noted that the respondent had refuted and explained the allegations of not communicating.

The allegations were unfounded, and the case manager recommended that the case be closed.

**Case No. 99-06-0003.** A city official filed a complaint against a professional land surveyor alleging that he was difficult to work with in that he refused to follow the city's procedures for the segregation and revisions of a boundary between parcels. It was the licensee's opinion that he did not have to follow the city procedures since he believed that RCW 58.04.007 was the effective state law governing these types of actions. The licensee later relented and provided the city with the requested boundary line adjustment documents.

The case manager found that the problems in this case seemed to have been the result of the respondent's belief that he was following the appropriate law. Since the licensee eventually submitted the documents requested by the city and received approval of the boundary line revision, the case manager saw no reason to pursue additional action against the licensee.

**Case No. 99-12-0001.** This complaint involved allegations that a professional land surveyor erred in a survey and committed criminal trespass during the course of his survey activities. The licensee performed this survey on property involved in civil litigation. Within the complaint, it was alleged that the licensee overstepped his professional boundaries by making a property line decision on property involved in a lawsuit and that his recorded survey purposely failed to show monument descriptions, references to previous surveys and fence locations to support his client's position.

The case manager found that the licensee performed his work in a satisfactory manner and that the allegation of criminal trespass is outside the jurisdiction of the Board.

**Case No. 00-01-0001.** In a complaint filed by the USFS, it was alleged that a professional land surveyor failed to perform the proper research while providing a survey to mark selected boundaries of USFS lands and failed to respond to a request that he perform an on-site review and corrections. The survey in question was performed in 1979. The alleged problems came to light in 1998 when the USFS, in preparation for a timber sale, discovered what appeared to be patent defects with the respondent's record of survey. As a result another surveyor was hired. While that new work

was being done, the later surveyor validated that the respondent failed to research previous survey documentation. The respondent, while licensed at the time of the 1979 survey, currently has an expired license in the state of Washington.

Upon review of the investigative records, the case manager found that there were either mitigating circumstances or that the USFS had a shared responsibility. The case manager found that there was not sufficient cause to take action against the respondent.

## **SCHEDULES**

<b>2000 COMMITTEE AND BOARD MEETING SCHEDULE</b>	
<b>DATE</b>	<b>LOCATION</b>
November 15-16	TBD
December 13 (PC only)	TBD

Meetings of the Exam/Qualification Committee, Practice Committee and the full Board are open to the public. Please call the Board office if you wish specific information relating to the time and location of the meetings. If you wish to address the Board it is recommended that you notify the Board office, in writing, at least three weeks prior to the meeting you plan to attend. This will facilitate scheduling of the agenda to permit your presentation.

Other special meetings of the Board may be scheduled during the year if the need arises.

### **APRIL 2001 EXAMINATION SCHEDULE**

**Exam date: April 20, 2001**

**Application deadline: December 20, 2000**

Principles & Practice of Engineering in Civil, Chemical, Electrical, Environmental, Mechanical, Forest, Naval Architect/Marine, Structural I and II

Principles & Practice of Land Surveying and Land Surveying Comity

**Exam date: April 21, 2001**

**Application deadline: December 21, 2000**

Structural III – WA

Fundamentals of Engineering

Fundamentals of Land Surveying

**Application deadline: January 21, 2001**

On-Site Wastewater Treatment System Designer

### **OCTOBER 2001 EXAMINATION SCHEDULE**

**Exam date: October 26, 2001**

**Application deadline: June 26, 2001**

Principles & Practice of Engineering in Civil, Electrical, Environmental, Mechanical, Chemical, Agricultural, Control Systems, Fire Protection, Industrial, Manufacturing, Metallurgical, Mining, Nuclear, Petroleum, Structural I and II

Principles & Practice of Land Surveying and Land Surveying Comity

**Exam date: October 27, 2001**

**Application deadline: June 27, 2001**

Structural III – WA

Fundamentals of Engineering

Fundamentals of Land Surveying

**Application deadline: July 27, 2001**

On-Site Wastewater Treatment System Designer